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ACTION: Embassy ASUNCION 138

SUBJECT: Guaira Boundary Issue

REF: FBTEL 259

INFO: Amembassy RIO DE JANEIRO 1257

During luncheon Feb. 8, Brazilian Amb. Leitao da Cunha gave Amb. Gordon
GOB position on Guaira border issue. Said boundary largely demarcated on
map and this demarcation is basis for joint instructions to Mixed Boundary
Commission for marking border on ground. Leitao da Cunha stated principle is
unequivocally accepted in international law that boundary treaties are construed
in accordance with geographical information available on treaty date, and not
subject to revision because of new geographical information. He convinced
therefore that arbitration would rule in favor Brazil and for this reason,
Paraguay has not accepted GOB offer to submit issue to arbitration. Further
stated GOB will not initiate arbitration procedures since its position is that
there is no issue but, as matter of grace, is entirely willing to accept
arbitration if requested by GOP.

Leitao da Cunha also said Brazilians most unlikely accept withdrawal of
Bras. troops from Guaira area since this would concede principle that
territory is in dispute, which they do not admit.

Bras. Amb. said he believed real way to solve problem might well be to
merge it into more important issue of power and navigation development of
Guaira Falls, perhaps as multi-national project with IDB, UN Special Fund,

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World Bank, and AID participation. Leitao da Cunha warned however that initiative along above line must be carefully handled as issue also susceptible of nationalist exploitation in Brazil.

Amb. Gordon plans to discuss border issue further with Foreign Minister Magalhaes in Brazil.

END.

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